



City of Annapolis

Department of Planning & Zoning

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Historic Preservation Commission

April 9, 2013

The Historic Preservation Commission of the City of Annapolis held its regularly scheduled public meeting on April 9, 2013 in the City Council Chambers. **Chair** Kennedy called the meeting to order at 7:30p.m.

Commissioners Present: **Chair** Kennedy, **Vice Chair** Leahy, Finch, Zeno, Kabriel, Jones

Commissioners Absent: Toews

Staff Present: Craig-Historic Preservation Officer, Broadbent, Biba,

Guest Ware, Historic Annapolis Foundation

Chair Kennedy introduced the commissioners and staff. She stated the Commission's purpose pursuant to the Authority of Article 66B, Section 8.01-8.17 of the Annotated Code of Maryland and administered the oath en masse to all persons intending to testify at the hearing.

C. APPROVAL OF MINUTES

Ms. Jones moved approval of the February 12 and February 28, 2013 meeting minutes as amended. Ms. Zeno seconded the motion. The motion passed unanimously in a vote of 6-0.

D. ANNOUNCEMENTS

Chair Kennedy announced that Orlando Ridout V passed away and his passion for Annapolis and preservation is a legacy that all the citizens of Annapolis will treasure. The HPC offers it deepest condolences to the family.

Chair Kennedy announced that the Circuit Court reached a conclusion on the Carroll House chiller and submitted its final decision to the City's Office of Law for review. She will keep the Board abreast of the status once the Office of Law has made its decision.

Chair Kennedy welcomed Mr. Day and his class from Washington College.

E. VIOLATIONS

Ms. Craig announced that there are two new violations and deferred the discussion of these two violations to the April administrative hearing.

F. CONSENT DOCKET

- 1. 25 Wagner Street** – Carl T. Larkin – Construct new curb cut and driveway. **Approved** conditioned that the applicant submit the final details for the fence and gate to staff for approval.

Vice Chair Leahy moved to approve the application for 25 Wagner Street as amended on the Consent Docket. Ms. Jones seconded the motion. The motion passed unanimously in a vote of 6-0.

G. NEW BUSINESS

- 2. 7 Church Circle** – Andrew Petit/Reynold's Tavern – Construct rear addition.

Mr. Petit had nothing new to add to that already submitted.

Staff: Ms. Craig restated her written comments and recommend conditional approval of the application subject to submission of the final letter of approval from the MHT. She noted that the applicant took into consideration the HPC comments from the pre-application meeting and modified the design to differentiate the addition. She noted that the only component missing is the lighting detail and DNEP may require modifications to the handrails, ADA lift and basement access.

Public: Public testimony opened at 7:46pm and those speaking are listed below.

Name	Address	Comment	In Favor	In Opposition
Donna Ware	HAF	Recommend Approval	X	

No one else from the public spoke in favor or opposition of the application so **Chair** Kennedy declared the public testimony closed at 7:51pm.

Commissioners: **Vice Chair** Leahy requested that the applicant provide additional details for the hip roof to which Mr. Petit described the size and visual of the roof. It was the consensus of the HPC to delegate approval of the details on the hip roof to staff for approval, however, agreed to approve common bond to match the existing 1985 brick pattern.

Vice Chair Leahy noted whereas the application for 7 Church Circle is compliant with guidelines B.1, B.2, B.6, B.8, C.3, D.1 D.3, D.4, D.10a, D.14, D.18, D.28b and SOI #9 & 10, moved approval subject to the following conditions:

1. Submission of the final letter of approval from MHT;
2. Submission of the product specification for the lighting, handrail design as required by DNEP and;
3. Any modifications to ADA/stair access as required DNEP;
4. Additional construction details as approved by MHT.

Ms. Zeno seconded the motion. The motion passed unanimously in a vote of 6-0.

The following Commissioners made a site visit on this application.

Name
Kennedy, Leahy, Jones, Finch, Kabriel, Zeno

Chair Kennedy accepted the following exhibits into the record.

Exhibit Number	Exhibit Types
A	Application stamped March 14, 2013
B	Staff Memorandum dated March 9, 2013

3. 82 Conduit Street – Alison Whitacre/Cornerstone Builders, Inc. – Construct second story addition.

Mr. Louis Price noted that he has worked diligently with staff so have no additional comments.

Staff: Ms. Craig restated her written comments on the removal of the fire damaged roof to be replaced with asphalt shingles; to remove the half story space to replace with full story roof addition; and to enclose the rear corner inset porch. She recommends approval of the application as it complies with the applicable guidelines identified in staff report.

Public: Public testimony opened at 8:07pm and those speaking are listed below.

Name	Address	Comment	In Favor	In Opposition
Tom Lewis	84 Conduit St.			X
Donna Ware	HAF	Recommend Denial		
Michael Hantke	76 Conduit St.			X

No one else from the public spoke in favor or opposition of the application so **Chair** Kennedy declared the public testimony closed at 8:31pm.

Mr. Price responded to the public comments noting that standing on Conduit Street, a person cannot see any of the roof addition. It is only visible from the south, to the angle and little bit to the north. He explained that the roof is not visible if facing it directly and that neither of the adjacent property owners objects to the addition. He further explained the original plans proposed to raise the roof 9-feet but the revised plan proposes to lower the roof to accommodate the surrounding neighbors. The present design is much lower than the original recommendation so only raises the roof 4.5-feet at the highest point so the roofline is only one foot higher at the back of the house. He explained that the roofline have been lowered as much as possible in order to still meet building code requirements that require an 8-foot ceiling.

Commission: **Chair** Kennedy believes that the application does not comply with guideline B.6. Ms. Jones and **Vice Chair** Leahy concurred. **Vice Chair** Leahy also believes guideline D.9 is relevant in this case as well. Ms. Zeno visited the site and based on the site visit believes that the applicant makes a great case. However, adding a second story would change the characteristics of the existing house to something different making the addition visible from the street. Mr. Kabriel expressed concern regarding the visibility of the addition and requested additional visibility studies from the pedestrian walkway. Ms. Finch has concerns regarding the size and massing of the addition and does not believe that the application as submitted comply with guidelines B.6.

Chair Kennedy clarified that a majority of the Commissioners believes that the application is not compliant with the guidelines and requested downsizing the second floor addition to be compliant as well as additional visibility studies from the pedestrian way. **Chair** Kennedy also noted that a majority of the Commissioners agrees with staff's analysis of guideline D.23.

Chair Kennedy summarized that a majority of the commissioners present believes that the application does not comply with guideline B.6. Based on this; the applicant has the options of either continuing the application; the HPC denying the application or withdrawing the application. The applicant agreed to continue the application and to waive the 45-day rule.

Chair Kennedy summarized that the applicant should provide a downsized addition that is 50% of the roof form, provide more visibility studies and additional documentation/testimony in the form of photographs of the revised roof form from the water.

Vice Chair Leahy is interested in the overall massing and Ms. Finch requested an overall roofing plan.

Mr. Kabriel asked that the applicant provide a sample of the paint stain for the roof and siding.

Ms. Craig suggested that the applicant provide these materials within 15 days of the May or June meetings. The applicant agreed to provide the materials prior to the May meeting so the application was continued to the May 14, 2013 meeting.

The following Commissioners made a site visit on this application.

Name
Kennedy, Leahy, Jones, Finch, Zeno

Chair Kennedy accepted the following exhibits into the record.

Exhibit Number	Exhibit Types
A	Application time stamped March 14, 2013
B	Staff Memorandum dated March 28, 2013
C	Public Comments – Verpoelgen-Lewis dated April 5, 2013 February comments MHT Files Case Violation 1967 Report HABS

Exhibit Number	Exhibit Types
	Shelley Letter time date stamped 4/5/2013 2:39pm
D	Applicant Response: Brocato Price Letter dated 4/3/2013 and time date stamped 4/4/2013 4:27pm Brocato time date stamped 4/4/13 4:26pm Brocato/Lewis 4/8/13, time date stamped 4/9/13 11:32am
E	Photograph of the house

4. City of Annapolis – Jan van Zutphen/City Environmentalist – Bradford Pear Removal and Replanting Program.

Ms. Broadbent stated that the purpose for the request is to further discussions regarding replacing the Bradford pear trees. These trees are weak and considered an invasive species. The Department has developed a program to replace these trees. The application includes the recommended replacement species and schedule.

Staff: Ms. Craig restated her written comments and recommends conditional approval subject to the applicant working with P&Z and HPC staff to develop a Memorandum of Understanding to guide the Bradford Pear removal/replacement program.

Public: Public testimony opened at 9:19pm and those speaking are listed below.

Name	Address	Comment	In Favor	In Opposition
Katherine Haigney	212 Prince George Street			X

No one from the public spoke in favor or opposition of the application so **Chair** Kennedy declared the public testimony closed at 8:31pm.

Ms. Broadbent agreed to review the tree plan and work with the homeowners of 212 Prince George Street to determine the species type of the tree on their property. She also agreed to remove this tree from the list until it has been determined.

Vice Chair Leahy noted that whereas the application complies with guidelines A.3, C.1, C.2, C.4, C.9, C.11, E.2, E.3, recommends condition approval subject to the applicant working with P&Z and HPC staff to develop an Memorandum of Understanding as a guiding document for the Bradford Pear tree removal and replacement program. The document should provide specific guidance relative to selection of compatible substitute replacement trees and locations; the process for archaeological monitoring for any required excavation; appropriate design replacement of sidewalk masonry in the affected areas of historic district; and the required review of the findings of the Critical Area Commission. Ms. Zeno seconded the motion. The motion passed unanimously in a vote of 6-0.

The following Commissioners made a site visit on this application.

Name
Kennedy, Leahy, Jones, Zeno, Kabriel

Chair Kennedy accepted the following exhibits into the record.

Exhibit Number	Exhibit Types
A	Application time stamped March 14, 2013, 4:04pm
B	Staff Memorandum dated March 29, 2013
C	Public comments – Haigney time stamped 4/9/13 11:32am

5. Market House – City of Annapolis – Roof Renovations.

Ms. Grecco provided additional photographs and noted that Ms. Craig requested that the reflective ceiling

plan be provided but it was not available so she did a field survey of the Market House roof rafters that is included in the packet. She went over what each photograph entailed. Mr. Donovan Harrel received conditional approval from MHT regarding roof penetration subject to submission of the final equipment, submitted on April 2, 2013. The Department has not received approval to date. The roof joist is 27-inches a part from the outside and 19-inches from the sisters portion of the joist on the inside. DNEP allow the minimum installation of anchor support to address Fall Protection for each roof penetration (approximately 4 for this application). She indicated that there might be an additional request from another tenant who will be required to install anchors to address the Fall Protection.

Staff: Ms. Craig restated her written comments and recommend conditional approval of the application subject to the applicant not disturbing the original structural components of the building.

Public testimony opened at 9:42pm and no one spoke on the application so Chair Kennedy declared the public testimony closed at 9:43pm.

The HPC requested assurances from the applicant that when viewed from the waterside that none of the protrusions peak up to be seen by the boaters.

Vice Chair Leahy noted that whereas the application for Market House complies with guidelines, D.9, D.28a and D.29, moved approval of the amended application with the following conditions:

1. Submission of MHT approval letter;
2. The finish of the exterior fans and anchoring rings match the existing roof;
3. Modification to existing roof and design changes be made as required to comply with this condition, and the height will not exceed height of the roof ridge.

Ms. Zeno seconded the motion. The motion passed unanimously in a vote of 6-0.

The following Commissioners made a site visit on this application.

Name
Kennedy, Leahy, Jones, Finch, Zeno, Kabriel

Chair Kennedy accepted the following exhibits into the record.

Exhibit Number	Exhibit Types
A	Application stamped March 29, 2013
B	Staff Memorandum dated March 9, 2013
C	Shanks email dated March 20, 2013
D	Photographic Detail of the Roof Rafters

6. Market House – City of Annapolis – Roof Renovations. **(WITHDRAWN)**

H. PRE APPLICATION

Chair Kennedy reminded those present that this is an informal discussion and held as a courtesy to the applicants to determine feasibility as well as to address any other issues of concern that may arise at the hearing. This review does not constitute an approval and nothing discussed in this session will be binding on the commissioners or applicants.

1. Market House – Artwalk.

Mr. Walsh described the proposal to place temporary public (year or less) art on the outside of the Market House to celebrate the opening of the location. He discussed some of the public art on other public buildings in the City. The art pieces will consist of color forms and will be nonstructural as well as welcoming to tourists. He believes that the proposal is respectful of the history and the requirements of the HPC. He provided photographs of the proposed art for review. The intent of the art is to increase the pedestrian traffic into the Market House.

Chair Kennedy summarized that the HPC will not provide specific guidance on whether the applicant should move forward on the application because there are fundamental questions relating to the temporary nature of the art, the scale, and impact on the character defining features of the roof, and the engineering relative to the issue of versatility once the art is uninstalled. The HPC requested a three-dimension model to show how the historic roof and the art form will interact specifically on its visibility to address the scale issues. The exterior furniture with umbrella does not comply with guidelines due to anchoring and clearing issues.

2. **37 Cornhill Street – Bryan Brailey – Exterior landscaping improvements including a new gate and parking pad.**

Mr. Brailey indicated that the applicant proposes to close on the house soon so would like to repair the punch list items that need to be repaired. He noted that the five trees on the property are directly affecting the power lines and house structure. He explained that Judge Learner owns the piece of the property near the sidewalks and agreed to deed this piece of property over if the applicant pays for removal of two of the trees. He would like to restore a brick over window and move the front door back to its original location. He agreed to provide photographic documentation of the location. He is proposes to add a porch to the application but is checking on its feasibility. The architect that is working with the project proposes to add a rear-facing dormer to the attic. The shutters are in poor condition so would like to replace in kind.

Chair Kennedy summarized that the HPC had questions on the applications regarding the removal of tree, removal of brick wall with insertion of parking pad, restoration of front façade through introduction of a brick up window, door modifications, new screen on rear façade, rear-facing dormer in the roof plane, and removal of small additions. She noted that a majority of commissioners believe all these components are **feasible**. There are questions relating to documentation of the resources specifically whether it complies with guidelines D.4 and D.6. Additionally there needs to be work on the site plan for the garden specifically its relationship to the porch as well as the parking space. The applicant is encouraged to make a case for what period they intend to make restoration for the doors, windows and other facades. There needs to be a window-by-window assessment to indicate the windows' age, type and condition as well as plan for replacement of those windows.

J. **ADJOURNMENT**

With there being no further business, **Vice Chair Leahy** moved to adjourn the meeting at 11:19pm. Ms. Finch seconded the motion. The motion passed unanimously in a vote of 6-0.

Tami Hook, Recorder